

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

INTESA SANPAOLO, S.P.A.,

Plaintiff,

-against-

CRÉDIT AGRICOLE CORPORATE AND  
INVESTMENT BANK, CRÉDIT AGRICOLE  
SECURITIES (U.S.A.) INC., THE PUTNAM  
ADVISORY COMPANY, LLC, MAGNETAR  
CAPITAL LLC, MAGNETAR FINANCIAL LLC,  
AND MAGNETAR CAPITAL FUND, LP,

Defendants.

No. 12-cv-2683 (RWS)

**ECF CASE**  
**Electronically Filed**

**Oral Argument Requested**

**NOTICE OF MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law in Support of Putnam Advisory Company LLC's Motion to Dismiss the Second Amended Complaint, dated March 19, 2013, and the Declaration of Robert C. Hora in Support of Defendant Putnam Advisory Company, LLC's Motion to Dismiss the Second Amended Complaint, dated March 19, 2013, Defendant Putnam Advisory Company LLC, by its undersigned attorneys, will move this Court, before the Honorable Robert W. Sweet, United States District Judge, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, on Wednesday, May 22, 2013, at 12:00 p.m., in courtroom 18C, or on such other date as scheduled by the Court, for an order, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the claims in the Second Amended Complaint asserted against Putnam with prejudice and awarding such further relief as this Court may deem just and proper.

Any opposing affidavits, answering memoranda of law, or other response shall be filed and served no later than April 2, 2013, as provided by Local Civ. R. 6.1(b).

Dated: New York, New York  
March 19, 2013

MILBANK, TWEED, HADLEY & McCLOY LLP

By: /s/ Sean M. Murphy

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*Attorneys for Magnetar Capital LLC, Magnetar Financial LLC, and Magnetar Capital Fund, LP*

**CERTIFICATE OF SERVICE**

I, Sean M. Murphy, am an attorney duly admitted to practice law before this Court. I hereby certify that on March 19, 2013, I caused a true and correct copy of the foregoing Notice of Motion to Dismiss the Second Amended Complaint, dated March 19, 2013, to be served via hand delivery and operation of the Court's CM/ECF system on:

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DATED: March 19, 2013  
New York, New York

/s/ Sean M. Murphy  
Sean M. Murphy